

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MANUEL GONZALEZ-LEYTON,)	Civil No. 08cv927-L(CAB)
)	
Petitioner,)	ORDER GRANTING
)	RESPONDENTS' EX PARTE
v.)	MOTION FOR A STAY
)	
MICHAEL CHERTOFF, SECRETARY)	
OF THE DEPARTMENT OF)	
HOMELAND SECURITY, <i>et al.</i> ,)	
)	
Respondents.)	
_____)	

On September 4, 2008, Respondents filed an Ex Parte Application to hold proceedings in abeyance, requesting a 30-day stay to accommodate for Petitioner's bond hearing scheduled for September 9, 2008. ("Application"). For good cause shown, Respondents' Application is **GRANTED**. The instant proceeding shall be held in abeyance until **October 8, 2008**. **IT IS**

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FURTHER ORDERED that no later than **October 6, 2008**, Respondent shall file a joint¹ status report to inform the court of the progress of the parties' extrajudicial efforts. Failure to fully comply with this order may result in sanctions.

IT IS SO ORDERED.

DATED: September 5, 2008


M. James Lorenz
United States District Court Judge

COPY TO:

HON. CATHY ANN BENCIVENGO
UNITED STATES MAGISTRATE JUDGE

ALL PARTIES/COUNSEL

Manuel Gonzalez-Leyton
A73-809-412
San Diego Detention Center (CCA)
P.O. Box 439049
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¹ Upon granting on August 18, 2008 Respondents' initial ex parte application to hold the case in abeyance, the court ordered the parties to file a joint status report no later than September 2, 2008. On August 29, 2008, Respondent's counsel contacted the court's chambers to inquire whether the report was intended to be joint, given that Petitioner is appearing *pro se* and is being detained by federal immigration authorities. Although the court staff instructed Respondent's counsel that the report was indeed intended to be joint, Respondent failed to comply with the order. The September 2 status report does not indicate that Respondent attempted to meet and confer with Petitioner. Instead, Respondent conferred with Mr. Waddell, Petitioner's appellate counsel, and Ms. Tung of the Federal Defendants. Neither counsel is representing Petitioner in these proceedings. Petitioner is appearing *pro se*. (See Decl. of Janet Tung at 1.) Although the input of these counsel was helpful, Respondent is reminded that for purposes of the October 6 status report, Respondent must meet and confer with Petitioner.